

FISCAL IMPACT STATEMENT ON BILL NO. ***H. 3496, As Amended***

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TO:	The Honorable Glenn McConnell, Chairman, Senate Judiciary Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Rodney Grizzle, Ken Brown, Torina Wood, Allan Kincaid and Earle Powell		
DATE:	October 11, 2007	SBD:	2007404

AUTHOR:	Representative G.M Smith	PRIMARY CODE CITE:	56-1-10
SUBJECT:	Department of Motor Vehicles - DUI		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
A Cost to the General Fund (See Below)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
See Below

BILL SUMMARY:

House Bill 3496, as amended, amends the Code of Laws of South Carolina, 1976, as it relates to the offense of Driving Under the Influence “DUI” by creating a tiered system for the defined offense based upon the blood alcohol level of the individual.

EXPLANATION OF IMPACT:

Judicial Department

The Department indicates this Bill will have an impact on the General Fund of the State due to the enhanced penalties of the Bill. The Department is unable to provide an approximate cost of the total impact to the agency. However, should the number of cases exceeds what the current pool of circuit court judges can absorb, delays in the circuit court docket can be expected and additional judges would be needed. The cost associated with the addition of one (1) new Circuit Court Judge and staff (administrative assistant, court reporter and law clerk) is approximately \$347,327 for personal services and associated operating expenses and \$20,510 of non-recurring cost for automation and furniture. The addition of a new judge would also require more courtroom space, an expense borne by county government.

Department of Probation, Parole & Pardon Services

Section 17 - The Department anticipates language in this Bill would increase the number of ignition interlock devices to be installed above that required by Act 103 of 2007. Although the Bill states the offender shall bear the cost for the device the Department anticipates the need for non-recurring funds until the program can become self-supporting. The agency estimates one-time additional General Fund cost (above what is already required by Act 103 for 2007) at \$411,972 including eight FTE positions. Second and subsequent years cost to be covered by Interlock Funds (other funds) is estimated at \$930,262 annually.

Section 20 – This section requires offenders, convicted of the offense of DUI, to bear the cost associated wearing an alcohol monitoring device. The Department currently performs GPS monitoring for some offenders under a monitoring contract with an outside vendor. Under this contract monitoring devices are leased at \$12.00 per day/per offender for an annual lease cost of \$4,380 per offender. The Department indicates the number of individuals who may be required to wear this device is unknown. Additional staff may also be needed depending on the number of offenders to be monitored. There will be a one-time computer

programming costs of \$25,000 associated with integrating the alcohol monitoring devices with the existing equipment used by the Department for the GPS system.

If the State is able to collect 100% of the fees for the cost of wearing the alcohol monitoring device from the offenders, there would be no impact on the General Fund of the State. However, it has been the Department's experience with collections from the GPS monitored offenders that approximately 35% of the total required fees are collected and the Department has had to cover the remaining 65% of the costs. Based on a 35% collection rate it is estimated that \$2,847 of the annual per offender cost would need to be covered with funds other than fee revenue.

Department of Corrections (SCDC)

The Department indicates this Bill will have a minimal impact on the General fund of the State, which can be absorbed by the agency at the current level of funding. In FY 2005-06 SCDC admitted 111 inmates whose most serious offenses were DUI. Among that total, 68 were DUI 2nd offense; 20 DUI 3rd offense; 12 DUI 4th/subsequent offenses and the 11 were not identifiable by court administrative codes.

Department of Motor Vehicles

The Department indicates this Bill will have a nonrecurring impact on Other Funds of approximately \$76,465 for cost associated with computer programming and testing of the system and training materials publication and distribution

Other Agencies

The Department of Public Safety, SLED, the Administrative Law Court, Department of Alcohol & Other Drug Abuse Services, State Ethics Commission indicates that this Bill would have a minimal or no impact on the General Fund of the State or Federal and/or Other Funds.

LOCAL GOVERNMENT IMPACT:

One local government indicated it could incur annual costs of approximately \$31,000 per year.

SPECIAL NOTES:

The Department of Probation, Parole and Pardon Service budget request for FY 2008-09 includes \$968,290 in non-recurring General Funds to implement the Ignition Interlock Program as required in Act 103 of 2007.

Approved by:

A handwritten signature in black ink that reads "Harry Bell". The signature is written in a cursive, flowing style.

Harry Bell
Assistant Director, Office of State Budget